

**CALENDAR ITEM
C39**

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W 26403
D. Simpkin

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Foster City
Public Works Engineering Department
610 Foster City Boulevard
Foster City, CA 94404

AREA, LAND TYPE, AND LOCATION:

Sovereign land adjacent to Assessor's Parcel Number 094-130-030, city of Foster City, San Mateo County.

AUTHORIZED USE:

The retention, use, and maintenance of an existing public recreational asphalt pedway and levee.

LEASE TERM:

25 years, beginning October 29, 2010.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. On August 25, 1983, the Commission approved Compromise Title Settlement Agreement SLL 78, which settled a title dispute between the California Department of Transportation (CalTrans) and the Commission. Pursuant to the SLL 78, CalTrans conveyed three parcels to the Commission. The city of Foster City maintains an existing, approximately 8-foot wide, recreational asphalt pedway that intersects one of the parcels of land conveyed to the Commission by Caltrans (APN 094-130-030). An Environmental Impact Report was prepared for the recreational pedway, constructed in the early 1980's. Approximately 700 feet of the pedway crosses the Commission parcel. In addition to the pedway, the City has also requested the lease include the levee, which the pedway is built upon.
2. That portion of the pedway and levee that cross APN 094-130-030 were built without Commission authorization. The pedway provides public

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access to and along the shore of San Francisco Bay. The city of Foster City is now applying for a General Lease – Public Agency Use for the retention, use, and maintenance of the public recreational pedway and levee.

3. **Existing Asphalt Pedway and Levee:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (c).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBITS:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Existing Asphalt Pedway and Levee: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (c).

AUTHORIZATION:

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Authorize issuance of a General Lease – Public Agency Use to the city of Foster City beginning October 29, 2010, for a term of 25 years, for the retention, use, and maintenance of an existing public recreational asphalt pedway and levee as shown on Exhibit A (for references purposes only) and described on Exhibit B attached and by this reference made a part hereto; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the best interest of the State.